

REFERENCE TITLE: critical water area pilot districts

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

SB 1570

Introduced by
Senator Arzberger

AN ACT

AMENDING SECTIONS 9-463.01 AND 11-806.01, ARIZONA REVISED STATUTES; AMENDING TITLE 45, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 17; RELATING TO CRITICAL WATER AREA PILOT DISTRICTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 9-463.01, Arizona Revised Statutes, is amended to
3 read:
4 9-463.01. Authority
5 A. Pursuant to ~~the provisions of~~ this article, the legislative body of
6 every municipality shall regulate the subdivision of all lands within its
7 corporate limits.
8 B. The legislative body of a municipality shall exercise the authority
9 granted in subsection A of this section by ordinance prescribing:
10 1. Procedures to be followed in the preparation, submission, review
11 and approval or rejection of all final plats.
12 2. Standards governing the design of subdivision plats.
13 3. Minimum requirements and standards for the installation of
14 subdivision streets, sewer and water utilities and improvements as a
15 condition of final plat approval.
16 C. By ordinance, the legislative body of any municipality shall:
17 1. Require the preparation, submission and approval of a preliminary
18 plat as a condition precedent to submission of a final plat.
19 2. Establish the procedures to be followed in the preparation,
20 submission, review and approval of preliminary plats.
21 3. Make requirements as to the form and content of preliminary plats.
22 4. EITHER determine that certain lands may ~~either~~ not be subdivided,
23 by reason of adverse topography, periodic inundation, adverse soils,
24 subsidence of the earth's surface, high water table, lack of water or other
25 natural or man-made hazard to life or property, or control the lot size,
26 establish special grading and drainage requirements, and impose other
27 regulations deemed reasonable and necessary for the public health, safety or
28 general welfare on any lands to be subdivided affected by such
29 characteristics.
30 5. Require payment of a proper and reasonable fee by the subdivider
31 based upon the number of lots or parcels on the surface of the land to defray
32 municipal costs of plat review and site inspection.
33 6. Require the dedication of public streets, sewer and water utility
34 easements or rights-of-way, within the proposed subdivision.
35 7. Require the preparation and submission of acceptable engineering
36 plans and specifications for the installation of required street, sewer,
37 electric and water utilities, drainage, flood control, adequacy of water and
38 improvements as a condition precedent to recordation of an approved final
39 plat.
40 8. Require the posting of performance bonds, assurances or such other
41 security as may be appropriate and necessary to assure the installation of
42 required street, sewer, electric and water utilities, drainage, flood control
43 and improvements meeting established minimum standards of design and
44 construction.

1 D. The legislative body of any municipality may require by ordinance
2 that land areas within a subdivision be reserved for parks, recreational
3 facilities, school sites and fire stations subject to the following
4 conditions:

5 1. The requirement may only be made upon preliminary plats filed at
6 least thirty days after the adoption of a general or specific plan affecting
7 the land area to be reserved.

8 2. The required reservations are in accordance with definite
9 principles and standards adopted by the legislative body.

10 3. The land area reserved shall be of such a size and shape as to
11 permit the remainder of the land area of the subdivision within which the
12 reservation is located to develop in an orderly and efficient manner.

13 4. The land area reserved shall be in such multiples of streets and
14 parcels as to permit an efficient division of the reserved area in the event
15 that it is not acquired within the prescribed period.

16 E. The public agency for whose benefit an area has been reserved shall
17 have a period of one year after recording the final subdivision plat to enter
18 into an agreement to acquire such reserved land area. The purchase price
19 shall be the fair market value of the reserved land area at the time of the
20 filing of the preliminary subdivision plat plus the taxes against such
21 reserved area from the date of the reservation and any other costs incurred
22 by the subdivider in the maintenance of such reserved area, including the
23 interest cost incurred on any loan covering such reserved area.

24 F. If the public agency for whose benefit an area has been reserved
25 does not exercise the reservation agreement set forth in subsection E of this
26 section within such one year period or such extended period as may be
27 mutually agreed upon by such public agency and the subdivider, the
28 reservation of such area shall terminate.

29 G. The legislative body of every municipality shall comply with all
30 provisions of this article and applicable state statutes pertaining to the
31 hearing, approval or rejection, and recordation of:

32 1. Final subdivision plats.

33 2. Plats filed for the purpose of reverting to acreage of land
34 previously subdivided.

35 3. Plats filed for the purpose of vacating streets or easements
36 previously dedicated to the public.

37 4. Plats filed for the purpose of vacating or redescribing lot or
38 parcel boundaries previously recorded.

39 H. Approval of every preliminary and final plat by a legislative body
40 is conditioned upon compliance by the subdivider with:

41 1. Rules as may be established by the department of transportation
42 relating to provisions for the safety of entrance upon and departure from
43 abutting state primary highways.

1 2. Rules as may be established by a county flood control district
2 relating to the construction or prevention of construction of streets in land
3 established as being subject to periodic inundation.

4 3. Rules as may be established by the department of health services or
5 a county health department relating to the provision of domestic water supply
6 and sanitary sewage disposal.

7 I. If the subdivision is comprised of subdivided lands, as defined in
8 section 32-2101, and is within a groundwater active management area, as
9 defined in section 45-402, the final plat shall not be approved unless it is
10 accompanied by a certificate of assured water supply issued by the director
11 of water resources, or unless the subdivider has obtained a written
12 commitment of water service for the subdivision from a city, town or private
13 water company designated as having an assured water supply by the director of
14 water resources pursuant to section 45-576 or is exempt from the requirement
15 pursuant to section 45-576. The legislative body of the municipality shall
16 note on the face of the final plat that a certificate of assured water supply
17 has been submitted with the plat or that the subdivider has obtained a
18 written commitment of water service for the proposed subdivision from a city,
19 town or private water company designated as having an assured water supply,
20 pursuant to section 45-576 or is exempt from the requirement pursuant to
21 section 45-576.

22 J. IF THE SUBDIVISION IS IN A CRITICAL WATER AREA PILOT DISTRICT
23 DESIGNATED PURSUANT TO SECTION 45-2803, THE FINAL PLAT SHALL NOT BE APPROVED
24 UNLESS IT IS ACCOMPANIED BY A FINDING BY THE DIRECTOR OF WATER RESOURCES THAT
25 THE SUBDIVISION HAS RECEIVED A DETERMINATION OF SUSTAINABLE WATER SUPPLY AS
26 PRESCRIBED IN SECTION 45-2808. THE LEGISLATIVE BODY SHALL INCORPORATE INTO
27 THE APPROVAL OF THE FINAL PLAT OF A SUBDIVISION ALL CONDITIONS CONTAINED IN
28 THE FINDING OF SUSTAINABILITY APPROVED BY THE DIRECTOR OF WATER RESOURCES FOR
29 THAT SUBDIVISION. ON FINAL APPROVAL OF ANY SUBDIVISION PURSUANT TO THIS
30 SUBSECTION, THE LEGISLATIVE BODY SHALL NOTIFY THE DIRECTOR OF WATER RESOURCES
31 OF THE APPROVAL AND THE NUMBER OF LOTS APPROVED.

32 K. FOR SUBDIVISIONS IN A CRITICAL WATER AREA PILOT DISTRICT, THE
33 LEGISLATIVE BODY SHALL, AND FOR SUBDIVISIONS OUTSIDE OF A CRITICAL WATER AREA
34 PILOT DISTRICT, THE LEGISLATIVE BODY MAY, ESTABLISH BY ORDINANCE WATER
35 CONSERVATION REQUIREMENTS APPLICABLE TO THOSE SUBDIVISIONS, INCLUDING
36 PROVISIONS THAT ENCOURAGE THE REUSE OF WATER.

37 ~~J.~~ L. Every municipality is responsible for the recordation of all
38 final plats approved by the legislative body and shall receive from the
39 subdivider and transmit to the county recorder the recordation fee
40 established by the county recorder.

41 ~~K.~~ M. Pursuant to provisions of applicable state statutes, the
42 legislative body of any municipality may itself prepare or have prepared a
43 plat for the subdivision of land under municipal ownership.

44 ~~L.~~ N. The legislative bodies of cities and towns may by ordinance
45 regulate land splits within their corporate limits. Authority granted under

1 this section refers to the determination of division lines, area and shape of
2 the tracts or parcels and does not include authority to regulate the terms or
3 condition of the sale or lease nor does it include the authority to regulate
4 the sale or lease of tracts or parcels that are not the result of land splits
5 as defined in section 9-463.

6 ~~M.~~ 0. For any subdivision that consists of ten or fewer lots, tracts
7 or parcels, each of which is of a size as prescribed by the legislative body,
8 the legislative body of each municipality may waive the requirement to
9 prepare, submit and receive approval of a preliminary plat as a condition
10 precedent to submitting a final plat and may waive or reduce infrastructure
11 standards or requirements except for improved dust-controlled access and
12 minimum drainage improvements.

13 Sec. 2. Section 11-806.01, Arizona Revised Statutes, is amended to
14 read:

15 11-806.01. Subdivision regulation; platting regulations;
16 violation; classification; easement vesting

17 A. The county board of supervisors shall regulate the subdivision of
18 all lands within its corporate limits, except subdivisions which are
19 regulated by municipalities.

20 B. No plat of a subdivision of land within the area of jurisdiction of
21 such county shall be accepted for recording or recorded until it has been
22 approved by the board. The approval of the board shall be endorsed in
23 writing on the plat and shall also include specific identification and
24 approval of the assurances except those for hiking and equestrian trails
25 required by this section. If a county planning and zoning commission exists,
26 the plat may be referred to such commission for its consideration and the
27 board may receive the recommendation of the commission. If the subdivision
28 is comprised of subdivided land, as defined in section 32-2101, and is within
29 a groundwater active management area, as defined in section 45-402, the plat
30 shall not be approved unless it is accompanied by a certificate of assured
31 water supply issued by the director of water resources, or unless the
32 subdivider has obtained a written commitment of water service for the
33 subdivision from a city, town or private water company designated as having
34 an assured water supply by the director of water resources pursuant to
35 section 45-576 or is exempt from such requirement pursuant to section 45-576.
36 The board shall note on the face of the plat that a certificate of assured
37 water supply has been submitted with the plat or that the subdivider has
38 obtained a commitment of water service for the proposed subdivision for a
39 city, town or private water company designated as having an assured water
40 supply, pursuant to section 45-576.

41 C. Any person causing a final plat to be recorded without first
42 submitting the plat and obtaining approval of the board is guilty of a class
43 2 misdemeanor. No county recorder shall accept for recording or record any
44 plat which has not been approved as provided by this article.

1 D. The ground of refusal or approval of any plat submitted, including
2 citation of or reference to the rule or regulation violated by the plat,
3 shall be stated upon the record of the board.

4 E. The commission shall recommend to the board and the board shall
5 adopt general regulations of uniform application governing plats and
6 subdivisions of land within its area of jurisdiction. The regulations
7 adopted shall secure and provide for the proper arrangement of streets or
8 other highways in relation to existing or planned streets, highways or
9 bicycle facilities or to the official map for adequate and convenient open
10 spaces for traffic, utilities, drainage, access of fire fighting apparatus,
11 recreation, light and air. The board may adopt general regulations to
12 provide for the proper arrangement of hiking and equestrian trails in
13 relation to existing or planned streets or highways, and if adopted, such
14 hiking and equestrian trails shall conform to the official map for adequate
15 and convenient open spaces for traffic, utilities, drainage, access of fire
16 fighting apparatus, recreation, light and air. The general regulations may
17 provide for modification by the commission in planned area development or
18 specific cases where unusual topographical or other exceptional conditions
19 may require such action. The regulations shall include provisions as to the
20 extent to which streets and other highways shall be graded and improved and
21 to which water, sewer or other utility mains, piping or other facilities
22 shall be installed or provided for on the plat as a condition precedent to
23 the approval of the final plat.

24 F. On recording of a plat, the fee of the streets, alleys, avenues,
25 highways, easements, parks and other parcels of ground reserved to the use of
26 the public vests in trust in the county for the uses and to the extent
27 depicted on the plat including, but not limited to, ingress and egress
28 easements depicted on such plat. On annexation by any city or town such fee
29 automatically vests in the city or town.

30 G. Boards of supervisors of counties shall prepare specifications and
31 make orders, inspections, examinations and certificates as may be necessary
32 to protect and complete the provisions and make them effective. The
33 regulations shall require the posting of performance bonds, assurances or
34 such other security as may be appropriate and necessary to assure the
35 installation of required street, sewer, electric and water utilities,
36 drainage, flood control and improvements meeting established minimum
37 standards of design and construction.

38 H. Before adoption of regulations by the board or any amendment as
39 provided in this article, a public hearing shall be held by the
40 commission. A copy of the regulations shall be certified by the commission
41 to the county board of supervisors which shall hold a public hearing after
42 notice of the time and place has been given by one publication fifteen days
43 prior to the public hearing in a newspaper of general circulation in the
44 county.

1 I. Approval of a plat shall not be deemed to constitute or effect an
2 acceptance by the county for designation of any street, highway, bicycle
3 facility or other way or open space shown upon the plat into the county
4 maintenance system except for hiking and equestrian trails which shall be
5 constructed and maintained by the county. However, at such time as the
6 streets, highways, bicycle facilities or other ways are fully completed in
7 accordance with the approved plat and written specifications made by the
8 county board, the county shall accept such streets, highways, bicycle
9 facilities and other ways into the county maintenance system within one year
10 of completion.

11 J. IF THE SUBDIVISION IS IN A CRITICAL WATER AREA PILOT DISTRICT
12 DESIGNATED PURSUANT TO SECTION 45-2803, THE FINAL PLAT SHALL NOT BE APPROVED
13 UNLESS IT IS ACCOMPANIED BY A FINDING BY THE DIRECTOR OF WATER RESOURCES THAT
14 THE SUBDIVISION HAS RECEIVED A DETERMINATION OF SUSTAINABLE WATER SUPPLY AS
15 PRESCRIBED IN SECTION 45-2808. THE LEGISLATIVE BODY SHALL INCORPORATE INTO
16 THE APPROVAL OF THE FINAL PLAT OF A SUBDIVISION ALL CONDITIONS CONTAINED IN
17 THE FINDING OF SUSTAINABILITY APPROVED BY THE DIRECTOR OF WATER RESOURCES FOR
18 THAT SUBDIVISION. ON FINAL APPROVAL OF ANY SUBDIVISION PURSUANT TO THIS
19 SUBSECTION, THE LEGISLATIVE BODY SHALL NOTIFY THE DIRECTOR OF WATER RESOURCES
20 OF THE APPROVAL AND THE NUMBER OF LOTS APPROVED.

21 K. FOR SUBDIVISIONS IN A CRITICAL WATER AREA PILOT DISTRICT, THE
22 LEGISLATIVE BODY SHALL, AND FOR SUBDIVISIONS OUTSIDE OF A CRITICAL WATER AREA
23 PILOT DISTRICT, THE LEGISLATIVE BODY MAY, ESTABLISH BY ORDINANCE WATER
24 CONSERVATION REQUIREMENTS APPLICABLE TO THOSE SUBDIVISIONS, INCLUDING
25 PROVISIONS THAT ENCOURAGE THE REUSE OF WATER.

26 ~~J.~~ L. For any subdivision that consists of lots, tracts or parcels,
27 each of which is of a size as prescribed by the board of supervisors, the
28 board may waive the requirement to prepare, submit and receive approval of a
29 preliminary plat as a condition precedent to submitting a final plat and may
30 waive or reduce infrastructure standards or requirements except for improved
31 dust-controlled access and minimum drainage improvements.

32 Sec. 3. Title 45, Arizona Revised Statutes, is amended by adding
33 chapter 17, to read:

34 CHAPTER 17
35 CRITICAL WATER AREA PILOT DISTRICTS
36 ARTICLE 1. GENERAL PROVISIONS

37 45-2801. Purpose; sustainable water supplies

38 A. THE PURPOSE OF THIS CHAPTER IS TO PROVIDE FOR A LOCALLY APPROVED
39 BODY TO MONITOR AND MANAGE THE USE AND DEVELOPMENT OF WATER RESOURCES WITHIN
40 THE BOUNDARIES OF THOSE CRITICAL WATER AREAS DESIGNATED BY THIS STATE. THE
41 ESTABLISHMENT OF CRITICAL WATER AREA PILOT DISTRICTS IS INTENDED TO PROVIDE
42 THE AREAS OF THIS STATE OUTSIDE OF ACTIVE MANAGEMENT AREAS WITH SUFFICIENT
43 RESOURCES AND AUTHORITY TO ENSURE THAT THE DISTRICT ACHIEVES AND MAINTAINS A
44 SUSTAINABLE WATER SUPPLY FOR EXISTING AND INCOMING RESIDENTS OF THE DISTRICT
45 AND THAT THE NATURAL RESOURCES OF THE DISTRICT ARE MAINTAINED.

1 B. A CRITICAL WATER AREA PILOT DISTRICT IS INTENDED AS A LONG-TERM,
2 LEGALLY BINDING BODY WITH PERPETUAL AUTHORITY THAT IS SPECIFICALLY ADAPTED TO
3 THE GEOGRAPHICAL AND HYDROLOGICAL REQUIREMENTS AND NEEDS OF THAT CRITICAL
4 WATER AREA. A CRITICAL WATER AREA PILOT DISTRICT SHALL BE FORMED WITH
5 SPECIFIC WATER MANAGEMENT AND RESOURCE PLANNING GOALS APPROPRIATE TO THAT
6 CRITICAL WATER AREA.

7 45-2802. Definitions

8 IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

- 9 1. "BOARD" MEANS THE BOARD OF DIRECTORS OF A CRITICAL WATER AREA PILOT
10 DISTRICT FORMED PURSUANT TO THIS CHAPTER.
11 2. "DEPARTMENT" MEANS THE DEPARTMENT OF WATER RESOURCES.
12 3. "DIRECTOR" MEANS THE DIRECTOR OF WATER RESOURCES.
13 4. "DISTRICT" MEANS A CRITICAL WATER AREA PILOT DISTRICT FORMED
14 PURSUANT TO THIS CHAPTER.

15 45-2803. Designation of critical water area pilot districts;
16 criteria

17 A. ONE OR MORE CRITICAL WATER AREA PILOT DISTRICTS MAY BE FORMED IN
18 THIS STATE AS FOLLOWS:

19 1. ANY COMBINATION OF ONE OR MORE CITIES AND TOWNS AND A COUNTY MAY
20 PETITION THE DEPARTMENT FOR FORMATION OF A CRITICAL WATER AREA PILOT
21 DISTRICT. THE PETITION SHALL INCLUDE PROPOSED GEOGRAPHICAL AND HYDROLOGICAL
22 BOUNDARIES FOR THE DISTRICT AND ONE OR MORE SPECIFIC WATER SUPPLY AND
23 MANAGEMENT GOALS FOR THE DISTRICT AND A PLAN FOR ACHIEVING THOSE GOALS.

24 2. ON REQUEST FROM A PETITIONER, THE DEPARTMENT MAY PROVIDE PLANNING
25 AND ASSISTANCE IN DEVELOPING THE BOUNDARIES, GOALS AND PLAN OF OPERATION AND
26 DEVELOPMENT FOR THE DISTRICT.

27 3. AFTER RECEIVING APPROVAL OF THE PROPOSED BOUNDARIES AND PLAN OF
28 OPERATION AND DEVELOPMENT OF THE PROPOSED DISTRICT FROM THE DIRECTOR, A
29 CRITICAL WATER AREA PILOT DISTRICT IS FORMED ON FORMAL APPROVAL BY EACH OF
30 THE GOVERNING BODIES OF THE CITIES, TOWNS AND COUNTY, IF ANY, WITH
31 JURISDICTION OVER THE INCORPORATED AND UNINCORPORATED LANDS PROPOSED TO BE
32 INCLUDED IN THE DISTRICT.

33 B. A CRITICAL WATER AREA PILOT DISTRICT ESTABLISHED PURSUANT TO THIS
34 SECTION MAY NOT BE FORMED TO INCLUDE ANY LANDS INCLUDED IN AN ACTIVE
35 MANAGEMENT AREA AS DEFINED IN SECTION 45-402.

36 45-2804. Board of directors

37 A. THE BOARD OF DIRECTORS OF A CRITICAL WATER AREA PILOT DISTRICT
38 SHALL CONSIST OF THE FOLLOWING MEMBERS:

39 1. ONE MEMBER WHO IS APPOINTED BY THE BOARD OF SUPERVISORS OF THE
40 COUNTY IN WHICH THE DISTRICT IS ESTABLISHED.

41 2. ONE MEMBER WHO IS APPOINTED BY THE GOVERNING BODY OF EACH CITY OR
42 TOWN LOCATED ENTIRELY WITHIN THE BOUNDARIES OF THE PROPOSED DISTRICT.

43 3. AT LEAST ONE MEMBER WHO IS APPOINTED BY AGREEMENT OF THE GOVERNING
44 BODY OF EACH CITY AND TOWN AND THE COUNTY BOARD OF SUPERVISORS. AN

1 ADDITIONAL MEMBER SHALL BE APPOINTED PURSUANT TO THIS PARAGRAPH AS NEEDED FOR
2 THE BOARD OF DIRECTORS TO CONSIST OF AN ODD NUMBER OF DIRECTORS.

3 B. WITHIN THIRTY DAYS AFTER APPOINTMENT, EACH MEMBER OF THE BOARD
4 SHALL QUALIFY FOR OFFICE BY TAKING AND SUBSCRIBING THE OFFICIAL OATH. THE
5 OFFICIAL OATH SHALL BE FILED WITH THE BOARD OF DIRECTORS.

6 C. EACH MEMBER OF THE BOARD SHALL SERVE AT THE PLEASURE OF THE
7 GOVERNING BODY THAT SELECTED THAT MEMBER. A SUBSEQUENT BOARD MEMBER SHALL
8 QUALIFY WITHIN THIRTY DAYS AFTER RECEIVING NOTICE OF APPOINTMENT IN THE SAME
9 MANNER AS PRESCRIBED BY THIS SECTION.

10 D. THE BOARD SHALL SELECT A CHAIRPERSON, VICE-CHAIRPERSON AND
11 SECRETARY-TREASURER FROM AMONG THE MEMBERS WHO SHALL HOLD OFFICE AT THE
12 PLEASURE OF THE BOARD.

13 E. BOARD MEMBERS ARE NOT ELIGIBLE TO RECEIVE COMPENSATION BUT ARE
14 ELIGIBLE FOR REIMBURSEMENT OF ACTUAL AND NECESSARY EXPENSES WHILE ENGAGED IN
15 OFFICIAL BUSINESS UNDER ORDER OF THE BOARD.

16 45-2805. Board meetings; notice

17 A. THE BOARD SHALL HOLD REGULAR MEETINGS EVERY CALENDAR QUARTER AND
18 ADDITIONAL MEETINGS ON THE CALL OF THE CHAIRPERSON OR A MAJORITY OF THE
19 MEMBERS OF THE BOARD. THE SECRETARY-TREASURER SHALL GIVE AT LEAST THREE
20 DAYS' NOTICE OF EACH MEETING TO EACH MEMBER OF THE BOARD IN ADDITION TO THE
21 PUBLIC NOTICES REQUIRED BY LAW.

22 B. THE DISTRICT IS A PUBLIC BODY FOR PURPOSES OF TITLE 38, CHAPTER 3,
23 ARTICLE 3.1.

24 45-2806. Administrative and functional powers of the board

25 A. THE BOARD SHALL DETERMINE ITS ORGANIZATIONAL AND PROCEDURAL
26 STRUCTURE, ADOPT, AMEND OR REPEAL BYLAWS, RULES AND FORMS CONSISTENT WITH THE
27 REQUIREMENTS OF THIS CHAPTER AND PRESCRIBE A SYSTEM OF ACCOUNTS.

28 B. THE BOARD MAY:

29 1. MANAGE, SET POLICY AND CONDUCT THE BUSINESS AND AFFAIRS OF THE
30 DISTRICT.

31 2. MAKE AND EXECUTE ALL NECESSARY CONTRACTS, INCLUDING
32 INTERGOVERNMENTAL AGREEMENTS PURSUANT TO TITLE 11, CHAPTER 7, ARTICLE 3.

33 3. SUE AND BE SUED.

34 4. ADOPT A SEAL FOR THE DISTRICT TO BE USED TO ATTEST TO DOCUMENTS.

35 5. PROVIDE FOR PAYMENT OF ALL DEBTS AND APPROPRIATE CLAIMS AGAINST THE
36 DISTRICT FROM THE APPROPRIATE FUNDS.

37 6. EMPLOY SUCH ADMINISTRATIVE, LEGAL, ENGINEERING, ACCOUNTING,
38 CLERICAL AND OTHER STAFF AS MAY BE NECESSARY AND PRESCRIBE THE DUTIES, TERMS
39 AND CONDITIONS OF EMPLOYMENT.

40 7. RETAIN OUTSIDE PROFESSIONAL SERVICES, INCLUDING LEGAL COUNSEL.

41 8. PERFORM ALL OTHER ACTS NECESSARY TO CARRY OUT THE PURPOSES OF THIS
42 CHAPTER.

43 C. IN ADDITION TO THE ADMINISTRATIVE POWERS OF THE BOARD PRESCRIBED IN
44 SUBSECTIONS A AND B OF THIS SECTION, THE BOARD, FOR AND IN THE NAME OF THE
45 DISTRICT, MAY:

1 1. ACQUIRE IN ANY LAWFUL MANNER, EXCEPT AS LIMITED BY THIS CHAPTER,
2 AND SELL, LEASE, EXCHANGE OR OTHERWISE DISPOSE OF REAL AND PERSONAL PROPERTY,
3 EASEMENTS AND RIGHTS-OF-WAY THAT ARE NECESSARY OR REQUIRED FOR THE USES AND
4 PURPOSES OF THE DISTRICT.

5 2. CONSTRUCT, MAINTAIN AND OPERATE ALL WORKS AND OTHER PROPERTY
6 ACQUIRED AND USED FOR ANY OF THE PROJECTS OWNED BY THE DISTRICT.

7 3. ACQUIRE, TRANSPORT, DELIVER, TREAT OR RECHARGE WATER PURSUANT TO
8 THIS CHAPTER, INCLUDING PROVIDING OR SELLING WATER TO A PERSON OR ENTITY THAT
9 MAKES DIRECT DELIVERIES OF WATER.

10 4. ISSUE BONDS AND PLEDGE ALL OR PART OF ITS REVENUE FROM ANY SOURCE
11 FOR SECURITY AND PAYMENT OF ITS BONDS.

12 5. NEGOTIATE, MAKE, EXECUTE, ACKNOWLEDGE AND PERFORM ANY CONTRACT,
13 AGREEMENT OR OBLIGATION IT DEEMS ADVISABLE FOR THE INTEREST OF THE DISTRICT
14 TO CARRY OUT OR ACCOMPLISH THE PURPOSES OF THIS CHAPTER, INCLUDING AGREEMENTS
15 TO ACQUIRE WATER SUPPLIES, FOR WATER EXCHANGES AND FOR WATER DELIVERIES.

16 6. PLAN, COORDINATE, CONSTRUCT, OPERATE, MAINTAIN AND DISMANTLE WATER
17 AUGMENTATION PROJECTS, INCLUDING TREATMENT, RECHARGE, UNDERGROUND STORAGE AND
18 RECOVERY AND RETENTION PROJECTS, WATER TREATMENT, AND WASTEWATER TREATMENT
19 AND REUSE PROJECTS.

20 7. ENTER INTO INTERGOVERNMENTAL AGREEMENTS, MEMORANDA OF UNDERSTANDING
21 OR OTHER CONTRACTS WITH SINGLE OR MULTIPLE PARTIES TO FURTHER THE DISTRICT'S
22 PURPOSES.

23 8. ACQUIRE ENERGY RESOURCES TO OPERATE DISTRICT FACILITIES.

24 9. IMPOSE AND COLLECT FEES, INCLUDING WATER WITHDRAWAL FEES, BORROW
25 MONIES OR RECEIVE GRANTS FROM ANY STATE OR FEDERAL SOURCE OF GRANTS OR LOANS.

26 10. ADOPT AND ENFORCE ORDINANCES AS REASONABLY NECESSARY TO IMPLEMENT
27 THE DISTRICT'S POWERS AND DUTIES.

28 11. CONDUCT ANY OTHER ACTIVITIES THAT ARE REASONABLY NECESSARY AND
29 RELATED TO THE POWERS AND DUTIES DESCRIBED BY THIS CHAPTER.

30 45-2807. Water development and management

31 FOR PURPOSES OF ACHIEVING THE GOALS OF THE DISTRICT AS DESCRIBED IN ITS
32 APPROVED WATER MANAGEMENT GOAL AND PLAN OF OPERATION AND DEVELOPMENT, THE
33 DISTRICT THROUGH ITS BOARD SHALL DO THE FOLLOWING:

34 1. REQUIRE THE USE OF A WATER MEASURING DEVICE FOR ALL USERS OF WELLS
35 THAT ARE NOT EXEMPT FROM CHAPTER 2 OF THIS TITLE PURSUANT TO SECTION 45-454.

36 2. REQUIRE THE FILING OF AN ANNUAL REPORT ON WATER WITHDRAWN, USED,
37 DELIVERED FOR USE, RECEIVED OR TRANSFERRED FROM EACH PERSON WHO WITHDRAWS,
38 USES, DELIVERS, RECEIVES OR TRANSFERS WATER, UNLESS A REPORT IS FILED ON THAT
39 PERSON'S BEHALF BY A WATER PROVIDER. THE REPORT SHALL BE ON A FORM
40 PRESCRIBED BY THE DISTRICT.

41 3. DEVELOP WATER SUSTAINABILITY STANDARDS FOR THE LANDS AND USES IN
42 THE DISTRICT THAT ARE CONSISTENT WITH THE OBJECTS AND PURPOSES OF THE
43 DISTRICT. THE DEPARTMENT OF WATER RESOURCES SHALL PROVIDE TECHNICAL
44 ASSISTANCE IN PLANNING AND DEVELOPING WATER SUSTAINABILITY STANDARDS.

1 4. DEVELOP AND IMPLEMENT WATER CONSERVATION AND MANAGEMENT PROGRAMS,
2 INCLUDING WASTEWATER REUSE. WATER CONSERVATION AND MANAGEMENT PROGRAMS
3 ADOPTED BY THE DISTRICT MAY INCLUDE MANDATORY CONSERVATION REQUIREMENTS, WELL
4 SPACING REQUIREMENTS AND REQUIREMENTS AND CONDITIONS ON PERMITS FOR NEW WELLS
5 AND WITHDRAWAL PERMITS

6 5. ESTABLISH REPLENISHMENT REQUIREMENTS AND PERFORM OR COOPERATE IN
7 PERFORMING REPLENISHMENT OR RECHARGE, IF APPROPRIATE AND FEASIBLE FOR THE
8 DISTRICT. ANY WATER RECHARGE OR RECOVERY PROGRAM SHALL INCLUDE CONDITIONS ON
9 THE ISSUANCE AND USE OF RECOVERY AND RECHARGE PERMITS.

10 45-2808. Water sustainability determination

11 A. FOR ANY SUBDIVISION OF LANDS IN A CITY, TOWN OR COUNTY IN A
12 CRITICAL WATER AREA PILOT DISTRICT, THE DEPARTMENT SHALL CALCULATE AND
13 DETERMINE WHETHER THE PROPOSED SUBDIVISION HAS AN AMOUNT OF WATER LEGALLY AND
14 PHYSICALLY AVAILABLE TO PROVIDE AND MAINTAIN A SUSTAINABLE WATER SUPPLY FOR
15 THE RESIDENTS OF THAT SUBDIVISION WITHOUT ADVERSELY AFFECTING EXISTING
16 RESIDENTS AND WATER SUPPLIES.

17 B. ON APPLICATION, THE DEPARTMENT MAY DESIGNATE A CITY, TOWN OR COUNTY
18 OR A PRIVATE WATER COMPANY AS HAVING A SUSTAINABLE WATER SUPPLY FOR A
19 DESIGNATED AMOUNT OF WATER OR DEVELOPMENT.

20 C. THE DEPARTMENT MAY ADOPT OR AMEND RULES RELATING TO SUSTAINABLE
21 WATER PROVIDERS AND FOR DETERMINING WHETHER ANY PROPOSED DEVELOPMENT IS
22 CONSISTENT WITH THE STATED WATER MANAGEMENT OBJECTIVES OF THE DISTRICT.

23 ARTICLE 2. FINANCIAL PROVISIONS

24 45-2821. Financial authority of critical water area pilot
25 district

26 A DISTRICT FORMED PURSUANT TO THIS CHAPTER MAY GENERATE MONIES FOR THE
27 BENEFIT OF THE DISTRICT BY ANY OF THE FOLLOWING:

- 28 1. THE SALE OF WATER OR WATER RIGHTS.
- 29 2. USER FEES FOR SERVICES AND FACILITIES OWNED OR MANAGED BY THE
30 DISTRICT.
- 31 3. WITHDRAWAL FEES FOR WATER USED IN THE DISTRICT.
- 32 4. BONDS SOLD BY AND DEBT REPAYED TO THE DISTRICT.
- 33 5. LOANS AND GRANTS FROM ANY STATE OR FEDERAL LOAN OR GRANT FUND.
- 34 6. IMPACT FEES CHARGED FOR THE EXPENSE OF DEVELOPMENT.
- 35 7. WATER REPLACEMENT FEES.

36 45-2822. Administrative and operations budgets; annual
37 statement and audit

38 A. ON OR BEFORE JULY 1 OF EACH YEAR, THE DISTRICT SHALL ADOPT AN
39 ADMINISTRATIVE BUDGET FOR THE SUCCEEDING FISCAL YEAR. THE BUDGET SHALL
40 CONSIST OF A COMPLETE STATEMENT OF ADMINISTRATIVE EXPENDITURES FROM THE
41 GENERAL FUND DURING THE PAST FISCAL YEAR AND AN ESTIMATE OF THE DIFFERENT
42 AMOUNTS THAT MAY BE DEEMED NECESSARY TO MEET ADMINISTRATIVE REQUIREMENTS OF
43 THE DISTRICT FOR THE NEXT FISCAL YEAR, FIXING THE AMOUNTS PROPOSED FOR ALL
44 RECURRING ITEMS OF EXPENSE AND AN AMOUNT FOR CONTINGENCIES OR
45 EMERGENCIES. NO ADMINISTRATIVE EXPENDITURES MAY BE MADE IN EXCESS OF THE

1 TOTAL AMOUNT OF THE BUDGET. ECONOMIES RESULTING IN REMAINING BALANCES FOR
2 ANY FISCAL YEAR SHALL BE AVAILABLE FOR SUBSEQUENT ADMINISTRATIVE OR OPERATING
3 PURPOSES.

4 B. THE DISTRICT SHALL ALSO PREPARE AN OPERATION BUDGET FOR EACH FISCAL
5 YEAR COVERING OPERATIONS AND INCLUDING CAPITAL ITEMS. THE BUDGET SHALL
6 CONSIST OF A FULL AND COMPLETE STATEMENT OF ALL INCOMING RECEIPTS AND
7 EXPENDITURES FOR THE PAST FISCAL YEAR AND AN ESTIMATE OF ANTICIPATED INCOME
8 AND EXPENDITURES FOR THE NEXT FISCAL YEAR. THE BUDGET SHALL ALSO GIVE A
9 COMPLETE ASSET AND LIABILITY STATEMENT AND STATEMENT OF PROFIT AND LOSS,
10 TOGETHER WITH AN ITEMIZED STATEMENT OF CASH ON HAND, COMMITMENTS, RESERVES
11 AND OBLIGATIONS ANTICIPATED FOR THE NEXT FISCAL YEAR, TOGETHER WITH SUCH
12 OTHER INFORMATION AS WILL GIVE A FULL AND COMPLETE DISCLOSURE OF THE CURRENT
13 FINANCIAL CONDITION OF THE DISTRICT.

14 C. THE DISTRICT SHALL TRANSMIT COPIES OF THE BUDGET TO THE DIRECTOR OF
15 WATER RESOURCES.

16 D. ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE BOARD SHALL MAKE A
17 VERIFIED STATEMENT OF THE FINANCIAL CONDITION OF THE DISTRICT AS OF JUNE 30
18 OF THE PRECEDING FISCAL YEAR, SHOWING PARTICULARLY THE RECEIPTS AND
19 DISBURSEMENTS DURING THE FISCAL YEAR AND THE SOURCE OF THE RECEIPTS AND THE
20 PURPOSE OF THE DISBURSEMENTS.

21 E. WITHIN THIRTY DAYS AFTER THE CLOSE OF EACH FISCAL YEAR, THE
22 DISTRICT SHALL CAUSE AN AUDIT TO BE MADE OF THE FUNDS OF THE DISTRICT BY A
23 CERTIFIED PUBLIC ACCOUNTANT. THE BOARD SHALL FILE A COPY OF THE AUDIT WITH
24 THE AUDITOR GENERAL. THE AUDITOR GENERAL MAY MAKE SUCH FURTHER AUDITS AND
25 EXAMINATIONS AS THE AUDITOR GENERAL DEEMS NECESSARY AND MAY TAKE APPROPRIATE
26 ACTION RELATING TO THE AUDIT PURSUANT TO TITLE 41, CHAPTER 7, ARTICLE
27 10.1. IF THE AUDITOR GENERAL TAKES NO OFFICIAL ACTION WITHIN THIRTY DAYS
28 AFTER THE AUDIT IS FILED, THE AUDIT IS DEEMED SUFFICIENT. THE BOARD SHALL
29 PAY ANY FEES AND COSTS OF THE CERTIFIED PUBLIC ACCOUNTANT AND AUDITOR GENERAL
30 UNDER THIS SECTION FROM THE GENERAL FUND OF THE DISTRICT.